

**JAMES ALLEN, as Chairman of the Board
of Trustees of the BRICKLAYERS AND
STONE MASONS OF ILLINOIS DISTRICT
COUNCIL NO. 1, BAC, ANNUITY FUND,
and the BRICKLAYERS AND STONE
OF ILLINOIS DISTRICT COUNCIL NO. 1,
BAC ANNUITY FUND,**

Plaintiffs,

v.

CARL TUCKER,

Defendant.

Case No. 09 CV 1646

Judge Norgle

Mag. Judge Mason

NOW COME the Plaintiffs, by and through their Attorney, Robert B. Greenberg and move this Honorable Court for entry of judgment in the amount of \$39,529.91. In support of their motion, Plaintiffs state as follows:

1. Plaintiff filed an action, Case No. 09-CV-1646 to recover benefits erroneously received and paid to Carl L. Tucker in the amount of \$39,529.91.
2. That Carl Tucker filed an Answer to Plaintiff's Complaint admitting that he owed the Annuity Fund \$39,529.91.
3. That based upon Carl Tucker's admission in his Answer, a copy of which is attached hereto as Exhibit "A", that Plaintiffs are entitled to recovery of the amount of \$39,529.91. The amount that Plaintiff's contend was incorrectly paid to Carl Tucker, for which Carl Tucker failed to pay back to the Fund.

WHEREFORE, Plaintiffs pray that judgment entered in favor of Plaintiffs against Carl Tucker in the amount of \$39,529.91.

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